

REMARKS

This application has been reviewed in light of the FINAL REJECTION mailed April 16, 2008. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1–10, 20–22 and 24–32 have been previously elected for further consideration, with Claims 1, 20 and 24 being in independent form.

I. Rejection of Claims 1 – 3, 20 – 22 and 24 – 25 Under 35 U.S.C. § 102(e)

Claims 1 – 3, 20 – 22 and 24 – 25 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,738,572 issued to Hunter.

Contrary to the Examiner's assertion, Hunter fails to teach a mobile communications terminal equipped with a camera. Rather, Hunter only discloses a camera. A camera, regardless of how portable it may be, does not constitute a mobile communication terminal, as a camera does not perform any communication functions. Therefore, the camera disclosed in Hunter does not anticipate a mobile communication terminal.

Moreover, the Examiner points to col. 4, lines 43 – 65 as disclosing limiting of camera functions in a mobile communication terminal equipped with a camera. The cited passage does not provide any teaching of the camera being equipped in a mobile communication terminal. The cited passage merely provides that the camera may include a smart card reader for reading a smart card containing information regarding permitted (or otherwise) camera functions within a predetermined area. In an alternative embodiment, the camera may include a receiver responsive to a remote transmitter. However, the remote transmitter and receiver disclosed in Hunter are analogous to a remote control device used for controlling functions on a television, not a mobile communication device.

It should also be noted that the mobile communication terminal determines whether the mobile communication terminal is within an operation-limited area. Since no mobile communications terminal is taught in Hunter, the reference cannot be anticipatory of Applicant's claimed invention. It is well-settled by the Courts that "[A]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company, et al., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir., 1984).

Therefore, as demonstrated above, because Hunter does not disclose each and every element recited in the present claims, Applicant respectfully submits that the rejection has been obviated. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 1 – 3, 20 – 22 and 24 – 25 under 35 U.S.C. § 102(e).

II. Rejection of Claims 4, 5, 26 and 27 Under 35 U.S.C. § 103(a)

Claims 4, 5, 26 and 27 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Hunter in view of U.S. Publication No. 2002/0118797 (hereinafter, "Masuda").

However, Hunter and Masuda, taken alone or in any proper combination, fail to disclose or suggest a camera function controller for selectively inhibiting a number of the plurality of camera functions. Rather, Hunter discloses disabling the camera operation entirely rather than a selective disabling of one or more of the plurality of camera functions.

In addition, the combination of Hunter and Masuda would defeat the purpose of the Masuda device, which is to provide a way to prevent a video feed from being disrupted by an attacker when a call to an emergency center is initiated. In the alternative, the Masuda reference would defeat the proper operation of the Hunter camera, in so far as preventing the camera from

being entirely disabled at times when an emergency call is initiated. Therefore, one of ordinary skill in the art would not be motivated to combine the teachings of Hunter and Masuda.

Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 4, 5, 26 and 27 under 35 U.S.C. § 103(a) over Hunter in view of Masuda.

III. Rejection of Claims 6 – 9 and 28 – 31 Under 35 U.S.C. § 103(a)

Claims 6 and 28 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Hunter in view of U.S. Patent No. 6,433,818 issued to Steinberg et al., and Claims 7 – 9 and 29 – 31 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Hunter in view of Steinberg et al. and Masuda.

None of the cited references disclose or suggest a face image memory for previously registering a face image of each authorized user, wherein, when an input image picked up by the camera matches a face image registered in the face image memory in a case of inhibition of a predetermined camera function, the camera function controller releases the inhibition of the predetermined camera function.

The Examiner points to the teachings of Steinberg et al. as suggesting Applicants' face image memory. However, Steinberg only registers an eye image not a face. In the Steinberg reference an authorized user places an eye at the viewfinder of a camera, whereupon the user's eye is imaged. While an eye is a element of a face it does not render obvious Applicants use of facial recognition to determine authorization.

In fact, by way of illustrating the inappropriateness of equating an ocular scan with facial recognition, facial recognition is a much more complex process since the recognition is based on the relative placement and shape of facial features, rather than a simpler process of mapping structures in a user's iris similar to the way that fingerprints are scanned.

Moreover, the Steinberg iris scanning camera requires a viewfinder, whereas no such viewfinder is present in the Applicant's disclosed or claimed invention. Applicant's claimed invention uses the image recording element (i.e., CCD) of the camera portion of the mobile communication terminal for providing the facial acquisition. Thus, unlike Steinberg, no additional scanning devices are necessary for the proper operation of the facial recognition.

Claims 7 and 29 depend from Claims 6 and 28, respectively. Therefore, for at least the reasons provided above, Claims 7 and 29 are believed to be allowable as well.

Regarding Claims 8, 9, 30 and 31, these claims depend from independent Claims 1 and 24, and thus include all the limitations of those independent claims. As presented above, Hunter, Steinberg et al. nor Masuda, taken alone or in any proper combination, disclose or suggest the features recited in Applicants' independent claims.

Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 6 – 9 and 28 – 31 under 35 U.S.C. § 103(a) over any proper combination of Hunter in view of Steinberg et al. and/or Masuda.

IV. Rejection of Claims 10 and 32 Under 35 U.S.C. § 103(a)

Claims 10 and 32 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Hunter.

Claims 10 and 32 depend from independent Claims 1 and 24, and thus include all the features recited in those independent claims. Consequently, as shown above, Hunter fails to disclose or suggest a mobile communication terminal equipped with a camera. Instead, Hunter discloses a camera with a receiver for receiving remote short range signals. The receiver neither discloses nor suggests Applicants' recite mobile communication terminal.

Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 10 and 32 under 35 U.S.C. § 103(a) over any proper combination of Hunter.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1–10, 20–22 and 24–32 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,

Thomas Spinelli
Registration No. 39,533

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza - Ste. 300
Garden City, New York 11530
(516) 742-4343

TS/DAT:jam